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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,585	09/27/2004	Charles Gary Kay	028647-000023	5584
24239	7590	06/23/2006		
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709			EXAMINER LARKIN, DANIEL SEAN	
			ART UNIT 2856	PAPER NUMBER

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/711,585

Applicant(s)

KAY, CHARLES GARY

Examiner

Daniel S. Larkin

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2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-49 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Election/Restrictions*

1. This application contains claims directed to the following patentably distinct species:

-- The species which appears to be embodied in claims 1 and 2 and described in paragraphs [6, lines 1-6] and [7, lines 7-10].

-- The species which appears to be embodied in claims 1-3 and described in paragraphs [6, lines 1-6] and [7, lines 7-10].

-- The species which appears to be embodied in claims 1-5 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [8, lines 2-4].

-- The species which appears to be embodied in claims 1, 2, and 6 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [8, lines 4 and 5].

-- The species which appears to be embodied in claims 1-3, and 7 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [8, lines 5-7].

-- The species which appears to be embodied in claims 1-3, and 8 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 7 and 8].

-- The species which appears to be embodied in claims 1-3, and 9 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 1-2].

-- The species which appears to be embodied in claims 1-3, and 10 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 2-7].

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-- The species which appears to be embodied in claims 1-3, 10, and 11 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 2-8].

-- The species which appears to be embodied in claims 1, 2, and 12 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 11 and 12].

-- The species which appears to be embodied in claims 1-3 and 13 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 11 and 12].

-- The species which appears to be embodied in claims 1-3, 8, and 14 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 7, 8, 11, and 12].

-- The species which appears to be embodied in claims 1-3, 10, 11, and 15 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 2-8, 11, and 12].

-- The species which appears to be embodied in claims 1 and 16 and described in paragraphs [6, lines 1-6], [7, lines 7-10], and [9, lines 2-7].

-- The species which appears to be embodied in claims 1, 16, and 17 and described in paragraphs [6, lines 1-6], [9, lines 2-7], and [8, lines 2-4].

-- The species which appears to be embodied in claims 1, 16, and 18 and described in paragraphs [6, lines 1-6], [9, lines 2-7], and [8, lines 2-4].

-- The species which appears to be embodied in claims 1, 16, and 19 and described in paragraphs [6, lines 1-6], [9, lines 2-7], and [8, lines 4 and 5].

-- The species which appears to be embodied in claims 1, 16, and 20 and described in paragraphs [6, lines 1-6], [9, lines 2-7], and [8, lines 5-7].

-- The species which appears to be embodied in claims 1, 16, and 21 and described in paragraphs [6, lines 1-6] and [9, lines 2-8].

-- The species which appears to be embodied in claims 1, 16, and 22 and described in paragraphs [6, lines 1-6] and [9, lines 2-7, 11, and 12].

-- The species which appears to be embodied in claims 1, 16, 18, and 23 and described in paragraphs [6, lines 1-6], [9, lines 2-7, 11, and 12], and [8, lines 2-4].

-- The species which appears to be embodied in claims 1, 16, 20, and 24 and described in paragraphs [6, lines 1-6], [9, lines 2-7, 11, and 12], and [8, lines 5-7].

-- The species which appears to be embodied in claims 1, 16, 21, and 25 and described in paragraphs [6, lines 1-6] and [9, lines 2-8, 11, and 12].

-- The species which appears to be embodied in claims 1 and 26 and described in paragraphs [6, lines 1-6], [8, lines 7 and 8], and [9, lines 9 and 10].

-- The species which appears to be embodied in claims 1 and 27 and described in paragraphs [6, lines 1-6 and 10-12].

-- The species which appears to be embodied in claims 1-3 and 28 and described in paragraphs [6, lines 1-6], [7, lines 7-10], [8, lines 7 and 8], and [9, lines 9 and 10].

-- The species which appears to be embodied in claims 1-3 and 29 and described in paragraphs [6, lines 1-6, and 10-12] and [7, lines 7-10].

-- The species which appears to be embodied in claims 1-3, 9, and 30 and described in paragraphs [6, lines 1-6], [7, lines 7-10], [8, lines 7 and 8], and [9, lines 1, 2, 9 and 10].

-- The species which appears to be embodied in claims 1-3, 9, and 31 and described in paragraphs [6, lines 1-6 and 10-12], [7, lines 7-10], and [9, lines 1 and 2].

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-- The species which appears to be embodied in claims 32 and described in paragraph [10, lines 1-13] and Figure 6.

-- The species which appears to be embodied in claims 32 and 33 and described in paragraph [10, lines 1-13] and Figure 6.

-- The species which appears to be embodied in claims 32 and 34 and described in paragraph [10, lines 1-13] and Figure 8.

-- The species which appears to be embodied in claims 32 and 35 and described in paragraph [10, lines 1-13] and Figure 6.

-- The species which appears to be embodied in claims 32, 34, and 36 and described in paragraph [10, lines 1-13] and Figure 8.

-- The species which appears to be embodied in claims 32 and 37 and described in paragraph [10, lines 1-13] and Figure 6.

-- The species which appears to be embodied in claims 32, 33, 37, and 38 and described in paragraph [10, lines 1-13] and Figure 6.

-- The species which appears to be embodied in claims 32-34, 37, and 39 and described in paragraph [10, lines 1-13] and Figure 8.

-- The species which appears to be embodied in claims 32, 33, 35, 37, 38, and 40 described in paragraph [10, lines 1-13] and Figure 6.

-- The species which appears to be embodied in claims 32-34, 36-38, and 41 and described in paragraph [10, lines 1-13] and Figure 8.

-- The species which appears to be embodied in claims 32, 33, 37, 38, and 42 and described in paragraph [10, lines 1-13] and Figure 6.

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-- The species which appears to be embodied in claims 32, 33, 37, 38, 42, and 43 and described in paragraph [10, lines 1-13] and Figure 6.

-- The species which appears to be embodied in claims 32, 33, 35, 37, 38, 40, and 42-44 and described in paragraph [10, lines 1-13] and Figure 8.

-- The species which appears to be embodied in claims 32, 33, 35, 37, 38, 40, 42, 43, and 45 and described in paragraph [10, lines 1-13] and Figure 8.

-- The species which appears to be embodied in claims 32, 33, 37, 42, 43, and 46 and described in paragraph [10, lines 1-13] and Figure 6.

-- The species which appears to be embodied in claims 32, 33, 37, 38, 42, 43, 46, and 47 and described in paragraphs [10, lines 1-13] and Figure 8.

-- The species which appears to be embodied in claims 32, 33, 35, 37, 38, 40, 44, 46, and 48 and described in paragraphs [10, lines 1-13] and Figure 6

-- The species which appears to be embodied in claims 32, 33, 35, 37, 38, 40, 42, 43, 45-47, and 49 and described in paragraph [10, lines 1-13] and Figure 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims appear to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Larkin  
AU 2856  
19 June 2006

  
**DANIEL S. LARKIN**  
**PRIMARY EXAMINER**